

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Pasadena Neighborhood Coalition,

Complainant,

vs.

Altrio Communications, Inc.,

Defendant.

Case 02-11-053
(Filed November 19, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
ON PASADENA NEIGHBORHOOD COALITION'S MOTION
TO COMPEL RESPONSES TO SECOND SET OF DATA REQUESTS**

Background

Complainant Pasadena Neighborhood Coalition (Coalition) alleges that defendant Altrio Communications, Inc. (Altrio) is in violation of the requirements of Decision 01-07-022 (July 12, 2001), which granted Altrio a limited Certificate of Public Convenience and Necessity to provide competitive local exchange services in communities in Los Angeles, Orange, and Ventura counties. The Coalition issued two sets of data requests to Altrio. As the parties were litigating the Coalition's motion to compel as to the Coalition's first set of data requests, filed April 14, 2003, it became apparent that there were also disputes regarding the Coalition's second set of data requests.

The Administrative Law Judge (ALJ) and counsel for the parties agreed to address the second set of data requests prior to the formal filing of a motion to

compel. Altrio provided its objections and responses to the Coalition on April 29. The parties participated in oral argument by telephone on April 30, 2003, Altrio having faxed its responses to the disputed questions to the ALJ. The ALJ ruled orally at the telephone conference, and the parties have completed discovery in accordance with the oral rulings. The Coalition filed its written motion to compel on June 9, 2003. This Ruling formalizes the oral rulings of April 30.

Discussion

The disputed requests are resolved as follows:

Data request 2-1. GRANTED. More details related to this request were resolved at the May 5, 2003 conference call; see ALJ's Ruling on Pasadena Neighborhood Coalition's Motion to Compel (June 2, 2003).

2-2. GRANTED as to manuals, guidelines, instructions, and reports only; DENIED as to other requested items. Counsel are to meet and confer to identify documents in the "reports" category. Counsel for the Coalition is to review Altrio's construction manual at the office of counsel for Altrio.

2-10. GRANTED.

IT IS RULED that:

1. The second motion to compel filed by the Pasadena Neighborhood Coalition is granted in part and denied in part, as set forth herein; and
2. All documents to be produced pursuant to this ruling are to be produced to the Coalition's counsel by 5:00 p.m., Monday, May 5, 2003.

Dated June 17, 2003, at San Francisco, California.

/s/ ANNE E. SIMON

Anne E. Simon

Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on Pasadena Neighborhood Coalition's Motion to Compel Responses to Second Set of Data Requests on all parties of record in this proceeding or their attorneys of record.

Dated June 17, 2003, at San Francisco, California.

/s/ ELIZABETH LEWIS

Elizabeth Lewis

N O T I C E

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